

AMENDED IN SENATE MAY 1, 2007  
AMENDED IN SENATE MARCH 26, 2007

**SENATE BILL**

**No. 332**

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**Introduced by Senator Corbett**

February 20, 2007

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An act to amend Section 25402 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 332, as amended, Corbett. Energy: appliance efficiency: home entertainment and home networking systems.

The Warren-Alquist State Energy Resources Conservation and Development Act requires the State Energy Resources Conservation and Development Commission to establish minimum levels of operating efficiency, based on a reasonable use pattern, for appliances.

This bill would require the commission, not later than ~~July 1, 2010~~ *January 1, 2009*, to ~~amend or adopt regulations pertaining to energy efficiency standards for specified home entertainment and home networking appliances to require these appliance, to be at least 25% more energy efficient than the average energy efficiencies, as determined by the commission, of these appliances as of January 1, 2008. The specified appliances that are manufactured after July 1, 2010, would be required to comply with the energy efficiency standards. Not later than January 1, 2009, the commission would be required to report to the Legislature on its progress in amending or adopting these energy standards~~ *develop a priority list of appliances for review by the commission for energy efficiency standards, and to develop testing standards for specific appliances. One year after the development of the testing standards, specified appliances would be required to have*

*labeling containing specified information. The commission would be authorized to petition the United States Department of Energy for an exemption of the testing and labeling standards from relevant federal regulations.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 25402 of the Public Resources Code is  
2     amended to read:  
3     25402. The commission shall, after one or more public  
4     hearings, do all of the following, in order to reduce the wasteful,  
5     uneconomic, inefficient, or unnecessary consumption of energy:  
6     (a) Prescribe, by regulation, lighting, insulation climate control  
7     system, and other building design and construction standards that  
8     increase the efficiency in the use of energy for new residential and  
9     new nonresidential buildings. The standards shall be cost effective,  
10    when taken in their entirety, and when amortized over the economic  
11    life of the structure when compared with historic practice. The  
12    commission shall periodically update the standards and adopt any  
13    revision that, in its judgment, it deems necessary. Six months after  
14    the commission certifies an energy conservation manual pursuant  
15    to subdivision (c) of Section 25402.1, no city, county, city and  
16    county, or state agency shall issue a permit for any building unless  
17    the building satisfies the standards prescribed by the commission  
18    pursuant to this subdivision or subdivision (b) of this section that  
19    are in effect on the date an application for a building permit is  
20    filed.  
21    (b) Prescribe, by regulation, energy conservation design  
22    standards for new residential and new nonresidential buildings.  
23    The standards shall be performance standards and shall be  
24    promulgated in terms of energy consumption per gross square foot  
25    of floorspace, but may also include devices, systems, and  
26    techniques required to conserve energy. The standards shall be  
27    cost effective when taken in their entirety, and when amortized  
28    over the economic life of the structure when compared with historic  
29    practices. The commission shall periodically review the standards  
30    and adopt any revision that, in its judgment, it deems necessary.  
31    A building that satisfies the standards prescribed pursuant to this

1 subdivision need not comply with the standards prescribed pursuant  
2 to subdivision (a). The commission shall comply with this  
3 subdivision before January 1, 1981.

4 (c) (1) Prescribe, by regulation, standards for minimum levels  
5 of operating efficiency, based on a reasonable use pattern, and  
6 may prescribe other cost-effective measures, including incentive  
7 programs, fleet averaging, energy consumption labeling not  
8 preempted by federal labeling, and consumer education programs,  
9 to promote the use of energy efficient appliances whose use, as  
10 determined by the commission, requires a significant amount of  
11 energy on a statewide basis. The minimum levels of operating  
12 efficiency shall be based on feasible and attainable efficiencies or  
13 feasible improved efficiencies that will reduce the electrical energy  
14 consumption growth rate. The standards shall become effective  
15 no sooner than one year after the date of adoption or revision. A  
16 new appliance manufactured on or after the effective date of the  
17 standards shall not be sold or offered for sale in the state, unless  
18 it is certified by the manufacturer thereof to be in compliance with  
19 the standards. The standards shall be drawn so that they do not  
20 result in any added total costs to the consumer over the designed  
21 life of the appliances concerned.

22 (2) A new appliance, except for a plumbing fitting, regulated  
23 under paragraph (1), which is manufactured on or after July 1,  
24 1984, shall not be sold, or offered for sale, in the state, unless the  
25 date of the manufacture is permanently displayed in an accessible  
26 place on that appliance.

27 (3) During the period of five years after the commission has  
28 adopted a standard for a particular appliance under paragraph (1),  
29 an increase or decrease in the minimum level of operating  
30 efficiency required by the standard for that appliance shall not  
31 become effective, unless the commission adopts other cost-effective  
32 measures for that appliance.

33 (4) Neither the commission nor any other state agency shall  
34 take any action to decrease any standard adopted under this  
35 subdivision on or before June 30, 1985, prescribing minimum  
36 levels of operating efficiency or other energy conservation  
37 measures for any appliance, unless the commission finds by a  
38 four-fifths vote that a decrease is of benefit to ratepayers, and that  
39 there is significant evidence of changed circumstances. Prior to  
40 January 1, 1986, the commission shall not take any action to

1 increase any standard prescribing minimum levels of operating  
2 efficiency for any appliance or adopt any new standard under  
3 paragraph (1). Prior to January 1, 1986, any appliance manufacturer  
4 doing business in this state shall provide directly, or through an  
5 appropriate trade or industry association, information, as specified  
6 by the commission after consultation with manufacturers doing  
7 business in the state and appropriate trade or industry associations  
8 on sales of appliances so that the commission may study the effects  
9 of regulations on those sales. These informational requirements  
10 shall remain in effect until the information is received. The trade  
11 or industry association may submit sales information in an  
12 aggregated form in a manner that allows the commission to carry  
13 out the purposes of the study. The commission shall treat any sales  
14 information of an individual manufacturer as confidential and that  
15 information shall not be a public record. The commission shall not  
16 request any information that cannot be reasonably produced in the  
17 exercise of due diligence by the manufacturer. At least one year  
18 prior to the adoption or amendment of a standard for an appliance,  
19 the commission shall notify the Legislature of its intent, and the  
20 justification therefor, to adopt or amend a standard for the  
21 appliance. Notwithstanding paragraph (3) and this paragraph, the  
22 commission may do any of the following:

23 (A) Increase the minimum level of operating efficiency in an  
24 existing standard up to the level of the National Voluntary  
25 Consensus Standards 90, adopted by the American Society of  
26 Heating, Refrigeration, and Air Conditioning Engineers or, for  
27 appliances not covered by that standard, up to the level established  
28 in a similar nationwide consensus standard.

29 (B) Change the measure or rating of efficiency of any standard,  
30 if the minimum level of operating efficiency remains substantially  
31 the same.

32 (C) Adjust the minimum level of operating efficiency in an  
33 existing standard in order to reflect changes in test procedures that  
34 the standards require manufacturers to use in certifying compliance,  
35 if the minimum level of operating efficiency remains substantially  
36 the same.

37 (D) Readopt a standard preempted, enjoined, or otherwise found  
38 legally defective by an administrative agency or a lower court, if  
39 final legal action determines that the standard is valid and if the

1 standard that is readopted is not more stringent than the standard  
2 that was found to be defective or preempted.

3 (E) Adopt or amend any existing or new standard at any level  
4 of operating efficiency, if the Governor has declared an energy  
5 emergency pursuant to Section 8558 of the Government Code.

6 (5) Notwithstanding paragraph (4), the commission may adopt  
7 standards pursuant to ~~commission order~~ *Commission Order* No.  
8 84-0111-1, on or before June 30, 1985.

9 (d) Recommend minimum standards of efficiency for the  
10 operation of a new facility at a particular site that are technically  
11 and economically feasible. No site and related facility shall be  
12 certified pursuant to Chapter 6 (commencing with Section 25500),  
13 unless the applicant certifies that standards recommended by the  
14 commission have been considered, which certification shall include  
15 a statement specifying the extent to which conformance with the  
16 recommended standards will be achieved.

17 Whenever this section and Chapter 11.5 (commencing with  
18 Section 19878) of Part 3 of Division 13 of the Health and Safety  
19 Code are in conflict, the commission shall be governed by that  
20 chapter of the Health and Safety Code to the extent of the conflict.

21 (e) The commission shall do all of the following:

22 (1) Not later than January 1, 2004, amend any regulations in  
23 effect on January 1, 2003, pertaining to the energy efficiency  
24 standards for residential clothes washers to require that residential  
25 clothes washers manufactured on or after January 1, 2007, be at  
26 least as water efficient as commercial clothes washers.

27 (2) Not later than April 1, 2004, petition the federal Department  
28 of Energy for an exemption from any relevant federal regulations  
29 governing energy efficiency standards that are applicable to  
30 residential clothes washers.

31 (3) Not later than January 1, 2005, report to the Legislature on  
32 its progress with respect to the requirements of paragraphs (1) and  
33 (2).

34 ~~(f) The commission shall do all of the following:~~

35 ~~(1) Not later than July 1, 2010, amend any regulations in effect~~  
36 ~~on January 1, 2008, or adopt regulations, pertaining to the energy~~  
37 ~~efficiency standards for home entertainment systems, including~~  
38 ~~television in the active mode, digital cable and satellite set-top~~  
39 ~~box, digital versatile disc (DVD) player in the active mode, video~~  
40 ~~cassette recorder, and sound system, and for home computer~~

1 ~~networking systems, including digital subscriber line (DSL) and~~  
2 ~~cable modem and wireless router, to require that these appliances,~~  
3 ~~manufactured on or after July 1, 2010, be at least 25 percent more~~  
4 ~~efficient than the average energy efficiencies, as determined by~~  
5 ~~the commission, of these appliances as of January 1, 2008.~~

6 ~~(2) Not later than January 1, 2009, report to the Legislature on~~  
7 ~~its progress with respect to the requirements of paragraph (1).~~

8 ~~(f) (1) Not later than January 1, 2009, the commission shall do~~  
9 ~~all of the following:~~

10 ~~(A) Develop a priority list of appliances for review by the~~  
11 ~~commission for energy efficiency standards. In developing the list,~~  
12 ~~the commission shall specifically consider televisions and~~  
13 ~~computers in active-mode, and home entertainment and computer~~  
14 ~~networking systems.~~

15 ~~(B) Develop standards for manufacturers to test specific~~  
16 ~~appliances.~~

17 ~~(2) One year after the development of the standards pursuant~~  
18 ~~to subparagraph (B) of paragraph (1), the commission shall require~~  
19 ~~those appliances to have a label on them with information that~~  
20 ~~includes power consumption while actively operating over a~~  
21 ~~specified time period, and the average electrical costs to~~  
22 ~~consumers.~~

23 ~~(3) The commission may petition the federal Department of~~  
24 ~~Energy for an exemption of the standards developed pursuant to~~  
25 ~~subparagraph (B) of paragraph (1) and the labeling requirements~~  
26 ~~pursuant to paragraph (2) from any relevant federal regulations.~~